

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination and in response to the final rejection dated November 1, 2005, which set a three-month period for response, making this amendment due by February 1, 2006.

Claims 1-5 and 9 are pending in this application.

In the final Office Action, claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,719,006 to Fleischer et al, or in the alternative, under 35 U.S.C. 103(a) as being obvious over Fleischer et al. Claims 1 and 3-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,921,526 to Najmolhoda or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Najmolhoda. Claims 1-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer et al in view of U.S. Patent No. 5,775,355 to Maier et al. Claims 1 and 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Najmolhoda in view of Maier.

First, the Applicant notes that in the amendment filed on May 19, 2005, new claim 9 was added. However, claim 9 was not mentioned or specifically addressed in the final Office Action. Therefore, in this present amendment, claim 9 is identified with the status identifier of "previously added". The Applicant therefore requests substantive examination also of claim 9.

In the present amendment, claim 1 has been amended to further define that "the flange (12) surrounds the preform (22), wherein the flange (12)

represents an outer hydraulic region of the valve unit (10) and the consumer port (16) and the supply port (18) are formed on the flange (12)". The feature that the flange has the supply port and consumer port was recited in original claim 6. The feature that the flange surrounds the preform is disclosed on page 5, lines 4-5 of the specification.

Withdrawn claim 6 has been amended similarly, as the Applicant reserves the right to file the withdrawn claims as amended in a divisional application.

In the final rejection, the Examiner no longer views the filter change of Fleischer as a "flange", but the metallic holder element 40, which connects the magnet part with the valve unit in Fleischer's Fig. 1. This holder element 40 is injected partially into the plastic of the valve unit 18, but is NOT a flange in the sense of the present invention, since the holder element is made of metal and encompasses the magnet part and does not have a supply port and consumer port.

In contrast, the subject matter of claim 1 relates to a pressure control valve with a valve unit extruded from plastic, which is composed of a preform and a flange extrusion-coated onto and surrounding the preform, which represents the outer hydraulic part of the valve unit. This valve unit is connected with the actuator unit (for example, a magnet part). The flange therefore cannot be part of the actuator unit.

In addition, the Examiner cited a new reference in the final Office Action, the patent to Maier, which shows an electrical terminal with a plastic housing 58, which is arranged as an injection-molded part on the magnet part of a pressure

control valve. The Examiner interprets this electrical terminal as a flange.

However, this element is NOT a flange of a valve unit formed as an injection-molded part around a preform.

Amended claim 1 makes clear that the flange is a piece of the valve unit of the pressure control valve and surrounds the preform that is provided with the fluid channels and the valve chamber. Again, as argued above, the cited references fail to show or suggest these features of amended claim 1. A prior art reference anticipates a claim only if the reference discloses every limitation of the claims. Absence from the reference of any claimed element negates anticipation.

Row v. Dror, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997).

According to the standards articulated for rejections under Section 103, the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 UPSQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the reasons set forth above, the Applicant respectfully submits that claims 1-5 and 9 are patentable over the cited art. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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